

**ARTICLE 7**  
**ADMINISTRATION AND REGULATION OF AFFORDABLE DWELLING UNIT**  
**DEVELOPMENTS**

**Section 7-100      Affordable Dwelling Unit Developments.**

**7-101      Purpose.** The Affordable Dwelling Unit Program is established to assist in the provision of housing to persons of moderate income by (a) promoting the development of a full range of housing choices, and (b) requiring the construction and continued existence of dwelling units which are affordable for purchase by households whose income is greater than thirty percent (30%) and less than seventy percent (70%) and affordable for rental by households whose income is greater than thirty percent (30%) and less than fifty percent (50%) of the median income for the Washington Primary Metropolitan Statistical Area (PMSA). "Affordable Dwelling Units" shall be defined as those units for which the rental and/or sales price is regulated pursuant to the provisions contained in this Article, as adopted by the Board of Supervisors. All affordable dwelling units shall comply with the following provisions and the urban residential district regulations for Affordable Dwelling Unit Developments contained in Sections 7-200 through 7-1100 of this Ordinance and Chapter 1450 of the Loudoun County Codified Ordinance.

**7-102      Applicability.**

- (A) The requirements of the Affordable Dwelling Unit Program shall apply to any site, or portion thereof, at one location which is (a) served by public water and sewer, and (b) the subject of an application for rezoning, special exception, site plan or preliminary subdivision which yields, as submitted by the applicant, fifty (50) or more dwelling units at an equivalent density greater than one unit per forty thousand (40,000) square feet.
- (1) For the purposes of this Ordinance, "site or portion thereof, at one location" shall include all adjacent undeveloped land of the property owner and/or applicant, under common ownership and/or control of the owner and/or applicant, including, but not limited to, land owned and/or controlled by separate partnerships, land trusts, or corporations in which the owner and/or applicant (to include members of the owner's and/or applicant's immediate family) is an owner of one (1) percent or more of the stock, and other such forms of business entities. Adjacent parcels of undeveloped land owned by separate members of the same family shall be exempt from the provisions of this section when such separate ownership has existed for a period of no less than five (5) years.
- (2) Immediate family members shall include the owner's and/or applicant's spouse, children, parents and siblings.

- (3) In instances where a lending institution, such as pension fund, bank, savings and loan, insurance company or similar entity has acquired, or acquires, an equity interest solely by virtue of its agreement to provide financing, such equity interest shall not constitute ownership and shall not be considered in making determinations of applicability. However, the acquisition of a fee interest by such lending institution due to foreclosure or project participation shall be considered as ownership in making determinations of applicability.
- (B) Any request for a Concept Development Plan (CDP) Amendment involving the rezoning of land within a mixed use planned development district, or zoning amendment which requires a rezoning plat, that results in an increase in the total number of residential units shall be subject to this Ordinance. However, application of the provisions of this Article shall be limited to the increase in the total number of residential units, provided that the overall density of the project results in fifty (50) or more units at a density of greater than one (1) unit per acre.
- (C) An owner and/or applicant shall not be exempt from the requirements of this Ordinance by submitting phased applications for rezoning, special exception, site plan or preliminary subdivision for less than fifty (50) dwelling units at any one time. An owner and/or applicant may submit an application for rezoning, special exception, or preliminary subdivision for less than fifty (50) units if the applicant agrees, in writing, that the next application or submission for the subject site, or portion thereof, shall meet the requirements of this Ordinance when the total number of dwelling units in the subject development has reached fifty (50) units or more. This statement shall be included on the approved concept development plan, rezoning plat, special exception, site plan, or preliminary subdivision plat. Such statement shall be recorded among the Loudoun County land records and shall be indexed in the names of all owners of the site, or portion thereof, as such terms are defined above.
- (D) The requirements of this Article shall not apply to the following:
- (1) Any multiple family dwelling unit structure with four (4) stories or more and having an elevator.
  - (2) Special exception, site plan or preliminary subdivision applications filed in accordance with an approved Rezoning which has proffered the provision of affordable dwelling units or other contributions toward the provision of affordable dwelling units prior to the effective date of this Ordinance.
  - (3) Proffer amendment, concept development plan amendment, preliminary subdivision amendment, site plan amendment and special exception amendment applications filed after the effective

date of this Ordinance which deal exclusively with issues of building relocation, site access, stormwater drainage, or other engineering or public facility issues, or the preservation of historic structures, wetlands, child care facilities, or changes in the size of units, a reduction in the number of units, or which request the addition of a non-residential special exception use.

- (4) Properties subject to proffers accepted by the Board of Supervisors, pursuant to Section 15.2-2303 of the Code of Virginia, prior to June 16, 1993.
  - (5) Any request for a Concept Development Plan (CDP) Amendment or zoning amendment which involves the rezoning of land within a mixed use planned development district in order to redistribute existing units to the newly zoned property within the same development, but which does not result in an increase in the total number of residential units.
  - (6) Any request for a rezoning plat amendment or zoning amendment which involves the rezoning of land within a non-planned development district in order to redistribute existing units to the newly zoned property within the same development, but which does not result in an increase in the total number of residential units.
  - (7) Land zoned R-1, CR-1, TR-1, and JLMA-1.
- (E) At the applicant's discretion, the provisions of this Article and individual district regulations for affordable dwelling unit developments may be applied to developments which are exempt from these provisions, as stated in Section 7-102(D). In the event that an applicant proposes to provide affordable dwelling units in a development which is otherwise exempt, the County shall waive any application fee associated with a Concept Development Plan Amendment proposing to change the Concept Development Plan only in order to provide affordable dwelling units. County review of such applications shall not exceed 180 days.

## **7-103**

### **Affordable Dwelling Unit Density Adjustments.**

- (A) **Single Family Detached and Single Family Attached Units.**
  - (1) For active rezoning applications that have not yet complied with Section 6-1204(D)(1) of this Ordinance as of December 16, 2003, and for rezoning, special exception, site plan and preliminary subdivision applications officially accepted after December 16, 2003 which request approval of single family detached dwelling units or single family attached dwelling units, the proposed density shall reflect an increase of twenty percent (20%), including the required number of affordable dwelling units,

unless such figure is modified pursuant to the provisions of Section 7-108 or the applicant provides cash in lieu of providing the single family detached units pursuant to Section 7-108(A)(3). In the event such increase exceeds the upper density limit set forth in the Comprehensive Plan, then the upper density limit set forth in the Comprehensive Plan applicable to the subject property shall be increased up to twenty percent (20%) for the purposes of calculating the potential density which may be approved by the Board of Supervisors.

- (2) In the event that a twenty percent (20%) density increase is approved pursuant to Section 7-103(A)(1) above, not less than twelve and one half percent (12.5%) of the total number of dwelling units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Article.

**(B) Multi-Family Units.**

- (1) For rezoning, special exception, site plan and preliminary subdivision applications officially accepted after the effective date of this Ordinance which request approval of non-elevator, multi-family dwelling unit structures, the proposed density shall reflect an increase of ten percent (10%), including the required number of affordable units, unless such figure is modified pursuant to the provisions of Section 7-108. In the event such increase exceeds the upper density limit set forth in the Comprehensive Plan, then the upper density limit set forth in the Comprehensive Plan applicable to the subject property shall be increased up to ten percent (10%) for the purposes of calculating the potential density which may be approved by the Board of Supervisors.
- (2) In the event that a ten percent (10%) density increase is approved pursuant to Section 7-103(B)(1) above, not less than six and one-quarter percent (6.25%) of the total number of dwelling units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Article.
- (3) An applicant may, at his discretion, request approval from the Board of Supervisors, or its designee, of a twenty percent (20%) increase in the density on a subject parcel, provided that at least twelve and one half percent (12.5%) of the total number of units approved are affordable dwelling units, for which the rental and/or sales price is controlled pursuant to the provisions of this Article.

- (C) In the case where affordable dwelling units are provided pursuant to Section 7-102(E) above, the affordable dwelling unit to bonus density increase ratio required by Sections 7-103(A) and (B) does not apply. The density of a development subject to voluntary provision of affordable dwelling units which is otherwise exempt, may be increased up to twenty percent (20%). In the event that a twenty percent (20%) density increase is approved pursuant this Section, not less than twelve and one half percent (12.5%) of the total density bonus units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Article.

**7-104**

**Designation of Affordable Units on Plats.**

- (A) Approved site plans and/or record subdivision plats shall identify the specific number of for-sale units and/or percentage of units for rent which are to be regulated as affordable units pursuant to this Article.
- (1) All plans or plats for developments containing affordable dwelling for-sale units shall identify specific units which are for sale or the percentage of units for rent under the affordable guidelines in this Article.
- (2) All site plans for developments containing affordable dwelling rental units shall include information concerning the number of each type of unit, by bedroom count, which shall be maintained as affordable.
- (B) Specifications regarding dwelling dimensions and the number of bedrooms in all affordable units shall meet the requirements established by the Affordable Dwelling Unit Advisory Board pursuant to the Codified Ordinance. In general, dwelling dimensions and the number of bedrooms in an affordable multi-family unit shall be comparable to equivalent market rate units on the subject parcel.
- (C) Affordable dwelling units shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district in which they are located and interspersed among market rate units in the proposed development.

**7-105**

**Review of site or subdivision plans within 90 days.** The County shall process final site plans, preliminary subdivisions or record subdivision plats proposing the development or construction of affordable dwelling units within ninety (90) days from the receipt thereof, provided that such plans and plats substantially comply with all ordinance requirements when submitted. The calculation of the review period shall include only that time the plans or plats are under County review and shall not include such time as may be required for revisions or modifications in order to comply with ordinance requirements.

7-106

**Timing of Construction/Availability of Affordable Units.** In a development which contains single family detached, single family attached, or multi-family lots or units, occupancy permits for no more than fifty percent (50%) of the market rate dwelling units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the affordable dwelling units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the affordable dwelling units for the development.

7-107

**Administration and Regulation.** The administration and regulation, establishment of unit prices, price controls, eligibility requirements, and the structure and operation of the Affordable Dwelling Unit Advisory Board are governed by the Codified Ordinance of Loudoun County.

7-108

**Modifications.**

- (A) Modifications to the requirements of Sections 7-103 and 7-106 of the Affordable Dwelling Unit Program shall be allowed concurrently with applications for a rezoning, special exception, site plan or preliminary subdivision, upon a finding by the Board of Supervisors, upon recommendation of the Planning Commission, that the proposed alternative will achieve the objective of providing a broad range of housing opportunities throughout Loudoun County. In the event that a modification to Section 7-103 is requested:
- (1) The ratio of affordable units proposed to the total density increase approved shall be no less than 12.5:20% for single family detached and single family attached developments, and 6.25:10% for multi-family unit developments; and
  - (2) The total affordable units proposed shall be no less than five percent (5%) of the total number of residential units within the project.
  - (3) Notwithstanding paragraphs (1) and (2) above, any request for rezoning, special exception, or preliminary subdivision (by right) which contain only single family detached units, a modification may be requested to provide cash in lieu of the units. Such cash must be paid prior to the first zoning permit. In the event that an applicant requests a modification to make such cash payment, the following criteria shall apply:
    - (a) The cash formula of Section 7-108(E) shall apply.
    - (b) The decision to pay cash in lieu of providing the units has to be made at the time of approval of rezoning, special exception or preliminary subdivision (by right), as applicable.

- (c) No bonus density is to be granted for a development, when an applicant opts to provide cash in lieu of units.
  - (d) The district regulations of Article VII shall not apply to a development when an applicant opts to provide cash in lieu of units.
- (B) In reviewing a request for modification to Section 7-103, consideration shall be given to the following:
  - (1) The number of affordable units, low-cost housing, manufactured housing and other similar type housing that exists, or are to be provided, within two (2) miles of the site and within Loudoun County.
  - (2) Public facilities and services already developed for the overall development capacity to accommodate the maximum density increase permitted for provision of affordable dwelling units.
  - (3) Existing unique, or unusual site constraints including, but not limited to, potential adverse impacts on environmental resources and features on the subject parcel and adjacent parcels, and difficult soil conditions.
  - (4) Unusual costs associated with development of the subject property.
  - (5) Overriding public needs, health issues, public safety issues, or public welfare issues which are better served by not providing the maximum number of affordable units otherwise required.
  - (6) In the case of a request for a Concept Development Plan Amendment, consideration shall also be given to whether the amendment would result in a reduction in the previously approved rezoning's impact on public facilities and whether the existing proffer commitments for the previously approved rezoning exceed current adopted capital facility guidelines established in the County's comprehensive plan.
- (C) In conjunction with Section 7-108(A) above requesting such modifications, the Board of Supervisors may permit an applicant to request a modification to this ordinance so as to allow them to provide any combination of affordable dwelling units, land or contributions to Loudoun County equivalent to providing the required number of affordable dwelling units.
- (D) Requests for modifications to the requirements of the Affordable Dwelling Unit Program, as applied to a given development, shall be submitted in conjunction with the application for rezoning, concept

development plan amendment, proffer amendment, special exception, site plan, or preliminary subdivision, as applicable. The applicant shall provide a justification for such request. The Affordable Dwelling Unit Advisory Board shall review requests for modifications and make its recommendation within sixty (60) days of receipt of a complete application.

- (E) Cash contributions made pursuant to Section 7-108(C) and 7-103(A) shall be calculated according to the following formula:

$$\frac{\text{Construction Price of Prototypical ADU}}{.75} \times .25 \times \# \text{ of ADU lots required} = \text{cash contribution}$$

- (F) All cash, or the value of land contributions made pursuant to Sections 7-103(A) and 7-108(C) shall be calculated in terms of current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County, and paid prior to the issuance of the first zoning permit unless another time is approved by the Board of Supervisors at the time the modification is approved. Funds collected shall be placed in the Loudoun County Housing Trust Fund.
- (G) The time limits set forth in Section 15.2-2259 and 15.2-2260 of the Virginia Code shall be suspended during the pendency of an application filed pursuant to Section 7-108.

## 7-109

### Compliance with State/Federal/Local Laws.

- (A) A development which provides, pursuant to Federal, State or other local programs, the same number or more affordable dwelling units as the number of affordable dwelling units required under Section 7-103 above, subject to terms and restrictions equivalent to the requirements of this Article, shall satisfy the requirements of the Affordable Dwelling Unit Program.
- (B) A development which provides, pursuant to Federal, State, or other local programs, a fewer number of affordable dwelling units than required under Section 7-103 above, subject to terms and restrictions equivalent to the requirements of this Article, shall provide the additional number of affordable dwelling units necessary to make up the shortage.
- (C) The rents and sales prices for affordable dwelling units provided pursuant to Federal, State, or other local programs shall be in accordance with the rules and regulations governing such programs and these units shall be marketed in accordance with such rules and regulations, provided rents and sale prices shall not exceed those set pursuant to this Article.



7-110

**Violations and Penalties.** In addition to the provisions set forth in Section 6-500, the following shall apply whenever any person, whether owner, lessee, principal, agent, employee or otherwise, violates any provision of this Article, or permits any such violation, or fails to comply with any of the requirements hereof:

- (A) Owners of affordable dwelling units who shall fail to submit executed affidavits or certifications, as required by this Article, shall be fined fifty (50) dollars per day per unit, up to a maximum of three thousand (3000) dollars per unit, until such affidavit or certificate is filed, but only after written notice and a ten-day compliance period is provided. Fines levied pursuant to this paragraph shall become liens upon the real property and shall accumulate interest at the judgment rate of interest.
- (B) Tenants of affordable dwelling units who shall fail to submit executed affidavits or certifications, as required by this Article, shall be subject to lease termination and eviction procedures, as provided in the Codified Ordinance.
- (C) Owners and tenants of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Article knowing the statements contained therein to be false shall be guilty of a Class II misdemeanor and shall be subject to a fine up to one thousand (1000) dollars.
  - (1) Fines levied against owners pursuant to this paragraph shall become liens upon the real property and shall accumulate interest at the judgment rate of interest.
  - (2) Tenants of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Article knowing the statements contained therein to be false shall also be subject to lease termination and eviction procedures, as provided in the Codified Ordinance.
  - (3) Owners of individual affordable dwelling units who shall falsely swear that they continue to occupy their respective affordable dwelling unit as their primary domicile shall be subject to injunction or other suit, action or proceeding to require such owner to either sell the unit to someone who meets the eligibility requirements established pursuant to this Article or to occupy such affordable dwelling unit as a domicile.

7-111

**Enforcement and Court Appeals.**

- (A) The Zoning Administrator shall administer and enforce the provisions of the Affordable Dwelling Unit Program.

- (B) Notwithstanding the provisions of Section 15.2-2311 of the Virginia Code, any person aggrieved by a decision of the Zoning Administrator or by the Affordable Dwelling Unit Advisory Board, in the case of a decision made by the latter regarding an appeal of affordable dwelling unit for-sale or rental prices, or by any decision made by an administrative officer in the administration or enforcement of the Affordable Dwelling Unit Program, may appeal such decision to the Loudoun County Board of Zoning Appeals by filing a petition of appeal which specifies the grounds upon which aggrieved within thirty (30) days from the date of the decision.
- (C) Any petition of appeal properly filed pursuant to Paragraph B above shall not constitute a de novo proceeding and shall be considered by the Circuit Court in a manner similar to petitions filed pursuant to Section 15.2-2314 of the Virginia Code.

**AFFORDABLE DWELLING UNIT DEVELOPMENT  
ZONING DISTRICT REGULATIONS**

**Section 7-200**

**Countryside Residential-2: (CR-2) District.**

- 7-201 Purpose.** These regulations for the CR-2 district are established to provide "for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre".
- 7-202 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a compact cluster or traditional designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-203 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a traditional or compact cluster design option, in the CR-2 district.
- (A) **Lot size.** No minimum requirement.
  - (B) **Lot width.**
    - (1) Single family detached. 50 feet minimum.
    - (2) Single family attached duplex, triplex, or quadruplex units.  
18 feet minimum for interior units.  
30 feet minimum for end units.
  - (C) **Yards.** (Single family attached duplex, triplex, or quadruplex units).
    - (1) **Front.** 15 feet minimum.
    - (2) **Side.** 9 feet minimum.
    - (3) **Rear.** 25 feet minimum.
    - (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
  - (D) **Lot coverage.** 40% maximum.
  - (E) **Open Space Area for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling

unit development such that the overall density of one lot per 14,000 square feet is maintained.

(F) **Other Requirements.**

- (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
- (2) **Frontage.** Single family attached units shall front on a public road, unless the development has received approval for private streets.
- (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

## Section 7-300

### Countryside Residential-3: (CR-3) District.

7-301

**Purpose.** These regulations for the CR-3 district are established to provide for affordable dwelling unit developments at a density not to exceed three and six-tenths (3.6) dwelling units per acre.

7-302

**Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a compact cluster or traditional designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

7-303

**Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or compact cluster design option, in the CR-3 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family detached. 50 feet minimum.

(2) Single family attached duplex, triplex, or quadruplex units.  
18 feet minimum for interior units.  
30 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex units):

(1) **Front.** 15 feet minimum.

(2) **Side.** 9 feet minimum.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 40% maximum.

(E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 10,000 square feet is maintained.

(F) **Other Regulations.**

- (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
- (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
- (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

**Section 7-400**

**Countryside Residential-4: (CR-4) District.**

**7-401**

**Purpose.** These regulations for the CR-4 district are established to provide for affordable dwelling unit developments at a density not to exceed four and eight-tenths (4.8) dwelling units per acre.

**7-402**

**Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units in a suburban designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units and townhouse units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

**7-403**

**Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development in the CR-4 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family detached. 50 feet minimum.

(2) Single family attached duplex, triplex, or quadruplex units.  
18 feet minimum for interior units.  
30 feet minimum for end units.

(3) Single family attached townhouse units.  
14 feet minimum for interior units.  
24 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex and single family attached units).

(1) **Front.** 15 feet minimum.

(2) **Side.** 8 feet minimum; 0 feet for interior units.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

(1) Single family detached. 35% maximum.

- (2) Single family attached duplex, triplex, quadruplex or townhouse units. 50% maximum.
- (E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 7,000 square feet is maintained.
- (F) **Other Regulations.**
  - (1) **Location.** Single family attached duplex, triplex, and quadruplex units and single family attached dwellings shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
  - (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
  - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.



**Section 7-500**

**R-2 Single Family Residential District.**

**7-501**

**Purpose.** These regulations for the R-2 district are established to provide for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre.

**7-502**

**Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Section 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

**7-503**

**Lot and Building Requirements.** Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-2 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

- (1) Single family detached, suburban. 60 feet minimum.
- (2) Single family detached, traditional. 45 feet minimum.
- (3) Single family detached, cluster. 50 feet minimum.
- (4) Single family attached duplex, triplex, or quadruplex units.  
18 feet minimum for interior units.  
30 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex units).

- (1) **Front.** 15 feet minimum.
- (2) **Side.** 9 feet minimum; 0 feet for interior units.
- (3) **Rear.** 25 feet minimum.
- (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 40% maximum.

- (E) **Open Space Area for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 14,000 square feet is maintained.
- (F) **Other requirements.**
  - (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
  - (2) **Frontage.** Single family attached units shall front on a public road, unless the development has received approval for private streets.
  - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

**Section 7-600**

**R-3 Single Family Residential District.**

**7-601**

**Purpose.** These regulations for the R-3 district are established to provide for affordable dwelling unit developments at a density not to exceed three and six-tenths (3.6) dwelling units per acre.

**7-602**

**Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Sections 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

**7-603**

**Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-3 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

- (1) Single family detached, suburban. 50 feet minimum.
- (2) Single family detached, traditional. 40 feet minimum.
- (3) Single family detached, cluster. 40 feet minimum.
- (4) Single family attached duplex, triplex, or quadruplex units. 30 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex units).

- (1) **Front.** 15 feet minimum.
- (2) **Side.** 9 feet minimum; 0 for interior lots.
- (3) **Rear.** 25 feet minimum.
- (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 40% maximum.

- (E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 10,000 square feet is maintained.
- (F) **Other Regulations.**
- (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
  - (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
  - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

## Section 7-700

### R-4 Single Family Residential District.

- 7-701 Purpose.** These regulations for the R-4 district are established to provide for affordable dwelling unit developments at a density not to exceed four and eight-tenths (4.8) dwelling units per acre.
- 7-702 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Sections 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units and single family attached townhouse units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-703 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-4 district.
- (A) **Lot size.** No minimum requirement.
  - (B) **Lot width.**
    - (1) Single family detached, suburban. 50 feet minimum.
    - (2) Single family detached, traditional. 40 feet minimum.
    - (3) Single family detached, cluster. 40 feet minimum.
    - (4) Single family attached, duplex, triplex, or quadruplex units.  
18 feet minimum for interior units.  
30 feet minimum for end units.
    - (5) Single family attached, townhouse units.  
14 feet minimum for interior units.  
24 feet minimum for end units.
  - (C) **Yards.** (Single family attached duplex, triplex, quadruplex or townhouse units).
    - (1) **Front.** 15 feet minimum.
    - (2) **Side.** 8 feet minimum; 0 feet for interior units.
    - (3) **Rear.** 25 feet minimum.

- (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

- (1) Single family detached. 35% maximum.
- (2) Single family attached duplex, triplex, quadruplex or townhouse units. 50% maximum.

(E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 7,000 square feet is maintained.

(F) **Other Regulations.**

- (1) **Location.** Single family attached duplex, triplex, and quadruplex units and single family attached dwellings shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
- (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
- (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

**Section 7-800**

**R-8 Single Family Residential District.**

- 7-801 Purpose.** These regulations for the R-8 district are established to provide for affordable dwelling unit developments at a density not to exceed nine and six-tenths (9.6) dwelling units per acre.
- 7-802 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached or single family attached dwelling units, either in a suburban or traditionally designed subdivision. In addition, multi-family units are permitted, provided that no more than fifty percent (50%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-803 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-8 district.
- (A) **Lot size.** No minimum requirement.
  - (B) **Lot width.**
    - (1) Single family detached, suburban. 40 feet minimum.
    - (2) Single family attached duplex, triplex, or quadruplex units.  
14 feet minimum for interior units.  
24 feet minimum for end units.
    - (3) Single family attached townhouse units.  
14 feet minimum for interior units.  
22 feet minimum for end units.
    - (4) Multi-family structures. 60 feet minimum.
  - (C) **Yards.**
    - (1) Single family detached, suburban and traditional.
      - (a) **Front.** 15 feet minimum.
      - (b) **Side.** 8 feet minimum (16 feet minimum between units).
      - (c) **Rear.** 25 feet minimum.
    - (2) Single family attached units.
      - (a) **Front.** 15 feet minimum.
      - (b) **Side.** No requirement along common walls; minimum side yard on end unit shall be 8 feet.

(c) **Rear.** 15 feet minimum, no requirement along common walls.

(3) Multi-family structures.

(a) **Front.** 20 feet minimum.

(b) **Side.** 10 feet minimum; 20 feet on corner lots.

(c) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

(1) Single Family Detached: 50% maximum.

(2) Multifamily: 60% maximum.

(3) Single Family Attached: 75% maximum.

(E) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of market-rate dwelling units of more than ten (10) units. An additional 100 square feet of such space shall be provided for each market-rate single family detached dwelling unit and 200 square feet of such space for each single family attached dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

(F) **Other Regulations.**

(1) **Location.** Multi-family units shall be located so as to minimize their impact on single family detached developments located adjacent to the ADU development.

(2) **Frontage.** Units shall front on a public road, unless the development has received approval for private roads.



**Section 7-900**

**R-16 Townhouse/Multi-family District.**

- 7-901 Purpose.** These regulations for the R-16 district are established to provide for affordable dwelling unit developments at a density not to exceed nineteen and two-tenths (19.2) dwelling units per acre.
- 7-902 Permitted Uses.** Affordable dwelling unit developments may consist of single family attached, quadruplex, townhouse, or multi-family units, either in a suburban or traditionally designed subdivision.
- 7-903 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-16 district.
- (A) **Lot size.** No minimum requirement.
- (B) **Lot width.**
- (1) Single family attached townhouse units.  
14 feet minimum for interior units.  
22 feet minimum for end units.
  - (2) Single family attached quadruplex units. 28 feet minimum.
  - (3) Multi-family structures. 60 feet minimum.
- (C) **Yards.**
- (1) Single family attached.
    - (a) **Front.** 15 feet minimum, except as provided for in traditional design developments pursuant to Section 3-606(C)(2).
    - (b) **Side.** No requirement along common walls; minimum side yard on end unit shall be 8 feet.
    - (c) **Rear.** 15 feet minimum, no requirement along common walls.
  - (2) Multi-family structures.
    - (a) **Front.** 25 feet minimum.
    - (b) **Side.** 10 feet minimum; 25 feet minimum on corner lots.
    - (c) **Rear.** 25 feet minimum.

- (3) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

- (1) Multifamily: 60% maximum.
- (2) Single Family Attached: 75% maximum.

- (E) **Active Recreation Open Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of ten (10) market-rate dwelling units. An additional 200 square feet of such space shall be provided for each market-rate single family attached dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

**Section 7-1000**

**R-24 Multi-family Residential District.**

- 7-1001 Purpose.** These regulations for the R-24 district are established to provide for affordable dwelling unit developments at a density not to exceed twenty-eight and eight-tenths (28.8) dwelling units per acre.
- 7-1002 Permitted Uses.** Affordable dwelling unit developments may consist of multi-family dwelling units, either in a suburban or traditionally designed subdivision.
- 7-1003 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-24 district.
- (A) **Lot size.** No minimum requirement.
  - (B) **Lot width.** 60 feet minimum.
  - (C) **Yards.**
    - (1) **Front.** 25 feet minimum.
    - (2) **Side.** 10 feet minimum; 25 feet minimum on corner lots.
    - (3) **Rear.** 25 feet minimum.
    - (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
  - (D) **Lot coverage.** 70% maximum.
  - (E) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of ten (10) market-rate dwelling units. An additional 200 square feet of such space shall be provided for each market-rate multi-family dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

**Section 7-1100**

**PD-Housing Districts.**

- 7-1101** The regulations for low density, medium density, and high density residential neighborhoods designated on the concept development plan for a PD-H Zoning District providing affordable dwelling units shall be those for Affordable Dwelling Unit Developments in the counterpart Urban Residential districts.
- 7-1102** The regulations for low density, medium density, and high density residential neighborhoods designated on the concept development plan for a Traditional Town development providing affordable dwelling units shall be those for Affordable Dwelling Unit Developments in the R-4, R-8, and R-16 districts.

## ARTICLE 8 DEFINITIONS

Words and terms set forth below shall have the meanings ascribed to them. Any word, term, or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning. For the purpose of this Ordinance, certain words and terms are herein defined as follows:

### A

**Abattoir:** A commercial slaughterhouse.

**Access:** A means of approach or admission.

**Accessory Building:** A non-habitable building located on a lot, the use of which is associated with the principal building and which is located upon the same lot as the principal building. The maximum size of an accessory building is based on the size of the lot on which it is located as follows: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft., more than 10 acres up to 20 acres: 7,500 sq. ft., more than 20 acres: 10,000 sq. ft.

**Active channel:** The area of the stream channel that is subject to frequent flows (approximately once per one and one-half years), and that includes the portion of the channel below where the floodplain flattens.

**Active recreational uses:** Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts, and playgrounds.

**Adult Day Care Center:** A licensed facility for four or more aged, infirmed, or disabled adults which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere, except a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service, and the home or residence of an individual who cares for only persons related to him by blood or marriage.

**Adult Entertainment:** Adult entertainment is any medium used for presenting material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein; or limits the presentation of such materials to persons over 18 years of age. This definition shall not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, "Specified Sexual Activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And, 'Specified Anatomical Areas' is defined as: